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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,147	01/12/2001	Daniel A. Babbs	ASYS8102US0MEM	2764
33864	7590	03/16/2004	EXAMINER	
O'MELVENY & MYERS, LLP 275 BATTERY STREET SUITE 2600 SAN FRANCISCO, CA 94111-3305			KEENAN, JAMES W	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	Applicant(s)	
09/760,147	BABBS ET AL.	
Examiner	Art Unit	
James Keenan	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 02 January 2004.  
2a) This action is FINAL. 2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1,3,6-8 and 12-14 is/are pending in the application.  
4a) Of the above claim(s) 12-14 is/are withdrawn from consideration.  
5) Claim(s) 8 is/are allowed.  
6) Claim(s) 1,3,6 and 7 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

1. Claims 12-14 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 10.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 3, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasper et al in view of Wooding et al, both of record.

Hasper et al show an apparatus for handling flat workpieces, including load port 40 supporting a cassette container having door 42 coupled to shell 10, the port capable of separating the door from the shell and providing access to plural workpieces in the container, the apparatus further including stocker 12 isolated from ambient conditions and having "rotatable shelves" (since it is mounted on rotary platform 11) adapted to store each workpiece after removal from the container, and transfer mechanism 24 for transferring each workpiece between the container and the stocker.

Hasper et al show the workpieces stored in a horizontal rather than vertical orientation.

Wooding et al show an apparatus whereby the same type of flat workpieces are individually removed from cassettes and placed in a vertical orientation on a table (analogous to a stocker) prior to being moved to a processing chamber.

It would have been obvious for one of ordinary skill in the art at the time of the invention to have modified Hasper et al by placing the workpieces in a vertical orientation in the stocker, as suggested by Wooding et al, as this would simply be an art recognized design expediency if the particular process to be performed on the workpieces was one in which such an orientation would be advantageous.

Re claims 6-7, since the stocker can be moved from chamber 22 to chamber 21, it is considered that it may be "stored remotely" and "used for bulk transport".

4. Applicant's arguments filed 1/20/04 have been fully considered but they are not persuasive.

Applicant argues that rack 12 of Hasper et al is not a stocker, since it introduces wafers into the processing tool rather than merely storing them prior to processing. Applicant states that store 8 is the stocker in the apparatus of Hasper et al, which is for cassettes rather than individual workpieces. While it is true that the store 8 may be a stocker for cassettes, this does not mean that rack 12 can not be a stocker for workpieces. Likewise, simply because rack 12 may introduce workpieces into the processing tool does not mean it can not be considered a stocker for storing the workpieces prior to processing. Applicant's claims are not limited to a single stocker or to a stocker that only stores workpieces prior to processing.

Applicant has set forth no specific arguments concerning the obviousness rejection of cancelled claim 2, even though the limitations of that claim have been incorporated into claim 1.

5. Claim 8 is allowed.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Keenan whose telephone number is 703-308-2559.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 703-308-3248. The fax phone numbers for

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the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

*James Keenan*  
James Keenan  
Primary Examiner  
Art Unit 3652

jwk  
March 10, 2004